

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE:	§	CASE NO.11-70668
Veronica Montemayor	§	
Debtor(s)	§	CHAPTER 13
	§	

**DEBTOR(S) MOTION TO MODIFY CONFIRMED PLAN AND NOTICE
OF HEARING AND TIME TO OBJECT**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING,. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

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A HEARING ON THIS PROPOSED MODIFICATION IS SET FOR AUGUST 23 , 2012 AT THE UNITED STATES BANKRUPTCY COURT 1701 W. BUSINESS 83, MCALLEN TEXAS, AT 9:00 O'CLOCK A.M..

THE DEBTORS(S) Veronica Montemayor, moves to Modify her confirmed plan as follows:

1. **HISTORY OF CASE:** This case was filed on October 14, 2011 and the plan was confirmed on February 16, 2012. The plan has not previously been modified.
2. **REASONS FOR MODIFICATION:**
The Debtor seeks to modify her Ch. 13 plan to due to a late proof of claim filed by Citimortgage, which rendered the plan deficient.
3. **PROPOSED PLAN MODIFICATION:**
 - a.. All payments defaults are cured by this modification.
 - b. Future plan payments to the Trustee shall be as follows:

(1) Months: 1- 9	Payment \$745.00
(2) Months: 10-60	Payment \$875.00
 - c. The following claims are barred pursuant to Bankruptcy Rule 3002: Discover Financial, LVNV Funding, Midland Credit, TXU Energy, and NCO Financial.

4. **INTERIM PAYMENTS:** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.
5. **BUDGET:** Copies of Debtor(s)' most recent pay stubs and tax returns have been provided to the Trustee and:
 - ☐ There has been no change in the Debtor(s)' schedules I and J since the last plan was confirmed or modified; OR
 - ☒ Amended schedules I and J are attached as exhibit "A"
6. **ATTORNEYS' FEES:** Debtor(s)' counsel shall be paid \$450.00 through the plan as a fixed fee for this modification.
7. All provisions of Debtor(s)' confirmed plan not modified herein shall remain in effect.

I (We) declare under penalty of perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtor(s).

/s/Veronica Montemayor

Debtor

Date: July 10, 2012

Respectfully submitted,
The Law Office of Joseph J. Wolf

By: /s/ Joseph J. Wolf
Joseph J. Wolf
Texas Bar No. 21849020
223 W. Nolana
McAllen, TX 78504
(956)683-7800
(956)683-7801 Fax

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing Motion to Modify Confirmed Plan ; and Notice of Hearing and Time to Object was served on the date it was filed electronically. Service was accomplished by the method and to the following as indicated.

/s/ Joseph James Wolf
Joseph James Wolf

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

CHAPTER 13 TRUSTEE

Cindy Boudloche
555 N. Carancahua Ste 600
Corpus Christi, TX 78478

U.S. TRUSTEE

606 N. Carancahua
Corpus Christi, TX 77476

DEBTOR:

Veronica Montemayor
3905 Xanthisma Ave
McAllen, Tx 78504

and to all parties as reflected on the attached matrix.